

Remarks

Reconsideration and further examination of the present application is respectfully requested. Claims 1-51 were pending. Claims 1, 6, 13, 15-16, 19, 21-25, and 28-51 have been amended. No claims have been added. Claims 12, 14, 18, 20, 43, and 45-46 have been canceled without prejudice. Claims 1-11, 13, 15-17, 19, 21-42, 44, and 47-51 remain pending.

Drawings

The drawings were objected to as failing to comply with 37 C.F.R. § 1.84(p)(5) because they include a reference numeral (912) not mentioned in the description. Accordingly, Figure 9 has been amended to overcome the objection. A replacement drawing sheet is enclosed herewith. Withdrawal of the objection is respectfully requested.

Claim Objections

The Examiner indicated that should claim 7, 9, 11, 34,36, and/or 38 be found allowable, claims 22-24 and 49-51 will be objected to under 37 C.F.R. § 1.75 as being a substantially duplicate thereof. Accordingly, claims 22-24 and 49-51 have been amended to correctly refer to their respective base claims or intervening claims to avoid the aforementioned objection.

The Examiner objected to claims 13, 14, 16, 19, and 20 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of their respective base claims and any intervening claims. Accordingly, claims 13, 16, and 19 have been rewritten in independent form including all of the limitations of their respective base claims and any intervening claims to overcome the objection. Further, the limitations indicated to be allowable in claims 14 and 20 have

been added to their respective base claims, i.e., claims 6 and 17, respectively. Thus, claims 6 and 17 as amended are allowable over the art of record. Withdrawal of the rejection is respectfully requested.

Rejections under 35 U.S.C. § 101

Claims 28-51 have been rejected under 35 U.S.C. § 101 because the Examiner contends that the claimed invention is directed to non-statutory subject matter. Claims 28-51 have been amended to set forth a “physical machine-accessible storage medium,” instead of a “machine-readable medium.” Applicants respectfully submit that the amendment has overcome the rejection and withdrawal of the rejection is respectfully requested.

Further, the Examiner indicated in the Office Action that claims 40, 41, 43, 46 and 47 would be allowable if rewritten to overcome the rejection under § 101 and to include all of the limitations of their respective base claims and any intervening claims. Accordingly, claims 40, 41, and 47 have been rewritten to include all of the limitations of their respective base claims and any intervening claims. Allowance of claims 40, 41, and 47 is earnestly solicited. Further, all of the limitations in claims 43 and 46 have been added to their base claims, i.e., claims 33 and 44, respectively. It is respectfully submitted that claims 33 and 44 as amended are allowable over the art of record. Withdrawal of the rejection is respectfully requested.

Rejections under 35 U.S.C. § 102(b)

Claims 1, 3-7, 10-12, 15, 22, 24-27, 28, 30-34, 37-39, 42, 49, and 51 have been rejected under 35 USC § 102(b) as being anticipated by U.S. Patent No. 6,088,803 to Tso

et al. (“Tso”). Claim 12 has been canceled without prejudice, thus obviating the rejection. Applicants respectfully traverse the rejections on the remaining claims.

Claim 1 as amended sets forth:

forwarding each allowed packet comprises transmitting a message
indicating that each allowed packet is allowed;
(Claim 1 as amended)

As indicated in the Office Action, the above limitation is not found in any of the art of record. Thus, it is respectfully submitted that claim 1 as amended is allowable over the art of record. Withdrawal of the rejection is respectfully requested.

For the reason discussed above with respect to claim 1, Tso fails to anticipate claims 28 and 33. Withdrawal of the rejection is respectfully requested. Claims 3-5, 30-32, 34, and 37-39 depend, directly or indirectly, from claims 1, 28, and 33, respectively. Thus, claims 3-5, 30-32, 34, and 37-39 are not anticipated by Tso for at least the reason discussed above with respect to claim 1. Withdrawal of the rejection is respectfully requested.

For the reason discussed above with respect to the claim objection, claim 6 is allowable. Claims 7-11 and 15 depend from claim 6, and thus, are allowable for the same reason. Withdrawal of the rejection is respectfully requested.

Claim 25 as amended sets forth

..., wherein the forwarding module is operable to maintain the connection while the analysis module is analyzing the packets by copying each of the packets but the last packet before forwarding each of the packets, and holding the last packet and repeatedly forwarding the last copied packet.
(Claim 25 as amended)

As indicated in the Office Action, the above limitation is not found in any of the art of record. Thus, it is respectfully submitted that claim 25 as amended is allowable over the art of record. Withdrawal of the rejection is respectfully requested.

Further, claims 26-27 depend from claim 25, and thus, are allowable for at least the reason discussed above with respect to claim 25. Withdrawal of the rejection is respectfully requested.

Claims 22, 24, 49, and 51 have been amended to depend from claims 17 and 44, respectively. For the reason discussed above with respect to the claim objection, claims 17 and 44 are allowable. Thus, claims 22, 24, 49, and 51 are also allowable. Withdrawal of the rejection is respectfully requested.

Claims 1, 2, 25, 28, and 29 have been rejected under 35 USC § 102(b) as being anticipated by U.S. Patent No. 6,119,236 to Shipley et al. ("Shipley"). Applicants respectfully traverse the rejections.

For the reasons discussed above, claims 1, 25, and 28 are allowable over the art of record. Further, claims 2 and 29 depend from claims 1 and 28, respectively, and thus, are allowable also. Withdrawal of the rejection is respectfully requested.

Claims 8, 9, 17, 18, 21, 23, 35, 36, 48, and 50 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Tso in view of Shipley. Claim 18 have been canceled without prejudice, thus obviating the rejection. Applicants respectfully traverse the rejection on the remaining claims.

Claims 8-9, 35-36, 48, and 50 depend from claims 6, 33, and 44, respectively, and thus, are allowable for the reason discussed above with respect to claims 6, 33, and 44. Withdrawal of the rejection is respectfully requested.

Claim 17 as amended sets forth:

maintaining the connection while analyzing the file, said maintaining comprising copying each of the plurality of packets but the last packet before forwarding each of the plurality of packets, and holding the last packet and repeatedly forwarding the last copied packet;
(Claim 17 as amended)

As indicated in the Office Action, the above limitation is not found in any of the art of record. Thus, it is respectfully submitted that claim 17 as amended is allowable over the art of record. Withdrawal of the rejection is respectfully requested.

Claims 21 and 23 depend from claim 17, and thus, are allowable for the reason discussed above with respect to claim 17. Withdrawal of the rejection is respectfully requested.

Conclusion

Applicants respectfully submit that the objections and rejections have been overcome by the remarks, and that the pending claims are in condition for allowance. Accordingly, Applicants respectfully request the rejections be withdrawn and the pending claims be allowed.


To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. If any other petition is necessary for consideration of this paper, it is hereby so petitioned.

If there are any additional charges, please charge Deposit Account No. 02-2666 for any fee deficiency that may be due.

Respectfully submitted,

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